

PATRICK PIZZELLA,
ACTING SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,
Plaintiff,
v.
BLACKJEWEL, LLC, a corporation, BLACKJEWEL
HOLDINGS, LLC, a corporation, REVELATION
ENERGY HOLDINGS, LLC, a corporation,
REVELATION MANAGEMENT CORPORATION,
a corporation, REVELATION ENERGY, LLC, a
corporation, DOMINION COAL CORPORATION, a
corporation, HAROLD KEENE COAL CO., LLC, a
corporation, VANSANT COAL CORPORATION, a
corporation, LONE MOUNTAIN PROCESSING,
LLC, a corporation, POWELL MOUNTAIN
ENERGY, LLC, a corporation, and CUMBERLAND
RIVER COAL, LLC, a corporation,
Defendants.

Plaintiff Patrick Pizzella, Acting Secretary of Labor, United States Department of Labor, applies under Federal Rule of Civil Procedure 65, and Section 17 of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 217, for a temporary restraining order and an order for Blackjewel Marketing and Sales, LP and Blackjewel Marketing and Sales Holdings, LP¹

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(collectively “BJMS”), and Defendants Blackjewel, LLC, Blackjewel Holdings, LLC, Revelation Energy Holdings, LLC, Revelation Management Corporation, Revelation Energy, LLC, Dominion Coal Corporation, Harold Keene Coal Co., LLC, Vansant Coal Corporation, Lone Mountain Processing, LLC, Powell Mountain Energy, LLC, and Cumberland River Coal, LLC (“Defendants”) to show cause why a preliminary injunction should not issue enjoining them from violating the FLSA.

As set forth in greater detail in the accompanying Memorandum of Law, and the Declaration of Assistant District Director Catherine Glencoe, the Acting Secretary is likely to succeed on the merits of his claims that Defendants violated Sections 6, 7, and 15(a)(1) of the FLSA by selling goods in commerce which were produced in violation of the minimum wage and overtime compensation requirements of the FLSA. The Acting Secretary, the public, and Defendants’ employees will suffer irreparable harm, for which the Acting Secretary has no adequate remedy at law, if the Court does not enjoin BJMS and Defendants from placing hot goods into the stream of commerce, and enjoin Defendants from failing to pay employees minimum wage and failing to pay employees time and a half overtime compensation for overtime hours worked.

The Acting Secretary seeks the following relief:

1. A temporary restraining order barring BJMS and Defendants from transporting, offering for transportation, shipping, delivering, selling, shipping, delivering, or otherwise placing into commerce, any goods worked on/processed/produced by any employee who Defendants failed to pay the overtime premium rate for hours worked over forty, and employees who Defendants failed to pay the minimum wage, including but not limited to coal located at Raven Dock, 219 Raven Dock Road, Raven, VA 24639, Flat Rock Prep Plant, located at 1399

Bee Hive Hollow, Honaker, VA 24260, and Pigeon Creek Processing, 78 North Stonega Road, Appalachia, VA 24216;

2. A temporary restraining order barring BJMS and Defendants from transporting, offering for transportation, shipping, delivering, selling, shipping, delivering, or otherwise placing into commerce, any goods produced by Defendants as to which the U.S. Department of Labor notifies or has notified Defendants and/or BJMS that it has a good faith basis to believe were produced by employees who were not paid the minimum wage and/or the required overtime compensation in violation of Sections 6 and/or 7 of the FLSA, 29 U.S.C. §§ 206, 207.

3. An order to show cause why a preliminary injunction should not issue enjoining and restraining BJMS and Defendants from violating Sections 6, 7, and 15(a)(1) and (2) of the FLSA;

4. A hearing on the Secretary's request for a preliminary injunction; and

5. An order all such relief that the Court deems appropriate, just, and proper.

U.S. DEPARTMENT OF LABOR

Kate S. O'Scannlain
Solicitor of Labor

Oscar L. Hampton III
Regional Solicitor

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/s/ Ryma Lewis
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Date: August 21, 2019

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

PATRICK PIZZELLA,
ACTING SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,
Plaintiff,

v.

BLACKJEWEL, LLC, a corporation, BLACKJEWEL
HOLDINGS, LLC, a corporation, REVELATION
ENERGY HOLDINGS, LLC, a corporation,
REVELATION MANAGEMENT CORPORATION,
a corporation, REVELATION ENERGY, LLC, a
corporation, DOMINION COAL CORPORATION, a
corporation, HAROLD KEENE COAL CO., LLC, a
corporation, VANSANT COAL CORPORATION, a
corporation, LONE MOUNTAIN PROCESSING,
LLC, a corporation, POWELL MOUNTAIN
ENERGY, LLC, a corporation, and CUMBERLAND
RIVER COAL, LLC, a corporation,

Defendants.

Civil Action No: 1:19-cv-00034-JPJ-PMS

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2019, true and correct copies of the foregoing
Plaintiff's Application for Temporary Restraining Order and Memorandum in Support was sent
by UPS and electronic mail to the following:

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